

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

General Information	
<i>Type of Report:</i>	Consolidated Monitoring Visit – Individuals with Disabilities Education Act (Part B)
<i>Focus Areas Reviewed:</i>	<ul style="list-style-type: none">• Evaluation / Eligibility• Least Restrictive Environment
<i>Data Sources:</i>	<ul style="list-style-type: none">• Review of Student Due Process Files
<i>DLS Review Team Members</i>	<ul style="list-style-type: none">• Roger Lacy, IDEA Team Leader• Denise Bailey, Branch Manager• Robin Linton, Consultant• Stephanie Sterling, Consultant

Onsite Visit Methodology

The Kentucky Department of Education (KDE), Division of Learning Services (DLS) has recently conducted a focused monitoring visit in your district. The focus areas for this review include priorities established by the Kentucky Department of Education. For this monitoring cycle, DLS established the following monitoring priorities:

- Eligibility for students identified for special education and related services
- Least restrictive environment (LRE) documentation.

Your district is one of 14 districts that received an onsite visit during the 2011-12 school year through the KDE Consolidated Monitoring Process.

The IDEA portion of the review was conducted by a team assembled by DLS as specified in the General Information section of this report. In order to complete the compliance review, the team reviewed individual student records.

Districts were directed to make available the pertinent student records randomly selected by the DLS team leader in order to determine the district's compliance status related to the focus areas stated above.

This report contains a section for each priority area reviewed for your district. It also contains "coded" student-specific noncompliance that must be corrected by the district. Individual student names are not provided in the report, due to confidentiality concerns. A separate list with codes and student names will be made available to the Director of Special Education after the issue of this report.

Even though eligibility and LRE are the focus of this report, the team may have noted other concerns when reviewing the student files. KDE is required under its general supervision responsibility to cite districts for IDEA noncompliance that it discovers during the course of monitoring.

Eligibility and Least Restrictive Environment

Records for eligibility were reviewed based upon the requirements outlined in 707 KAR 1:300 (Child find, evaluation and reevaluation), 707 KAR 1:310 (Determination of eligibility) and 707 KAR 1:350, Section1 (Placement decisions).

The following information outlines specific areas the review team investigated in order to determine compliance with eligibility and LRE requirements.

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Referral and Classroom Interventions

The review team assessed the district's compliance with 707 KAR 1:300 Section 3 as it pertains to ensuring that each child has been provided appropriate instruction and intervention services prior, or as a part of the referral process. The instruction and intervention services must include:

- Relevant research-based instruction and intervention services in regular education settings, with the instruction provided by qualified personnel;
- Data-based documentation of repeated assessments of achievement or measures of behavior which are collected and evaluated at reasonable intervals, reflecting systematic assessment of student progress during instruction; and
- Results having been provided to the child's parents.

Adverse Effect

For all disability categories, the Kentucky IDEA regulations require the ARC to document discussion of the adverse effect of the disability on the child's educational performance. Adverse effect means that the progress of the child is impeded by the disability to the extent that the child's educational performance is significantly and consistently below the level of similar aged peers. 707 KAR 1:002, Section 1(2).

Autism

Autism as defined by 707 KAR 1:002, means a developmental disability significantly affecting and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional-behavior disability.

Developmental Delay (DD)

Developmental Delay as defined by 707 KAR 1:002, means that a child within the ages of three and eight has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental Delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

- Scores of two standard deviations or more below the mean in one of the areas listed above as obtained using norm-referenced instruments and procedures;
- Scores of one and one-half standard deviations below the mean in two or more of the areas listed above using norm-referenced instruments and procedures; or
- The professional judgment of the ARC that there is a significant atypical or pattern of development. Professional judgment shall only be used where normal scores are inconclusive and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Emotional – Behavioral Disability (EBD)

Emotional – behavior disability as defined by 707 KAR 1:002, means that a child, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one (1) or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

- Severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with adults or peers;
- Severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;
- A general pervasive mood of unhappiness or depression; or
- A tendency to develop physical symptoms or fears associated with personal or school problems.

This term does not apply to children who display isolated (not necessarily one (1)) inappropriate behaviors that are the result of willful, intentional, or wanton actions unless it is determined through the evaluations process that the child does have an emotional-behavioral disability.

Functional Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the functional mental disability (FMD) category the following criteria must exist:

- Cognitive functioning is at least three (3) or more standard deviations below the mean;
- Adaptive behavior deficit is at least three (3) or more standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period

Mild Mental Disabilities

Per 707 KAR 1:002 Section 1, (37) in order for a child to be eligible under the mild mental disability (MMD) category the following criteria must exist:

- Cognitive functioning is at least two (2) but no more than three (3) standard deviations below the mean;
- Adaptive behavior deficit is at least two (2) standard deviations below the mean;
- A severe deficit exists in overall academic performance including acquisition, retention and application of knowledge; and
- Manifestation is typically during the developmental period.

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Multiple Disabilities

According to 707 KAR 1:002, Section 1 (39), multiple disabilities (MD) means “concomitant impairments that have an adverse effect on the child’s educational performance, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one (1) of the impairments. Examples of MD include mental disability-blindness, and mental disability-orthopedic impairment. Multiple Disabilities does not mean deaf-blindness nor does it mean a speech or language impairment in combination with another category of disability.”

Based upon the requirement that the impairments must cause “severe educational needs” that cannot be accommodated in special education programs solely for one of the impairments, the DLS team must verify the student met eligibility requirements for all disability areas constituting the multiple disability. DLS must also look for verification that the student’s educational needs could not be met solely in a special education program for one of the impairments.

Examples of disability combinations that triggered increased scrutiny include OHI (ADHD)/EBD, OHI/MMD and OHI/SLD. In addition, some disability categories contain exclusionary factors which would ordinarily preclude some disability combinations. This includes combinations such as MMD/FMD, MMD/SLD and EBD/SLD.

Each file was considered by the review team on a case by case basis considering all data available to the team.

Other Health Impairment

Other Health Impairment (OHI), as defined by 707 KAR 1:002, Section 1 (42) means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- Is due to a chronic or acute health problem and
- Adversely effects a child’s educational performance

The review team paid particular attention to ARC discussions of how the identified health impairment affects the child’s educational performance. In cases where this is not documented by the ARC as required by the regulations, the DLS Review Team found the district to be out of compliance with IDEA.

Specific Learning Disability

Specific Learning Disability (SLD) is defined by 707 KAR 1:002 Section 1 (59) as a disorder that adversely effects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The term does not include deficits that are the result of other primary determinant or disabling factors such as:

- Vision;
- Hearing;
- Motor impairment;
- Mental disability;
- Emotional-behavioral disability;
- Environmental or economic disadvantaged;
- Cultural factors;

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

- Limited English proficiency; or
- Lack of relevant research-based instruction in the deficit area

The review team also considered the requirements of 707 KAR 3:10 Section 2 in evaluating compliance for eligibility under the SLD category. Examples of required documentation include:

- Appropriate instruction provided in regular education settings;
- Repeated assessments of achievement at reasonable levels reflecting formal assessment of student progress during instruction;
- Relevant behavior noted during observation(s) and relationship of that behavior to the child's academic functioning (Note: 707 KAR 1:310 Section 1(i) states "behavioral observations" meaning more than one);
- Educationally relevant medical findings, if any; or
- Whether the child does not achieve commensurate with the child's age and ability

Speech and Language Impairment

Speech and Language Impairment (SLI) is defined by 707 KAR 1:280 Section 1 (60) as a communication disorder, including stuttering, impaired articulation, a language impairment, delayed acquisition of language or an absence of language that adversely effects a child's educational performance.

The DLS Monitoring Team used the guidelines included in the Kentucky Eligibility Guidelines – Revised (KEG-R) document as an outline for determining compliance with eligibility for special education services under the SLI category.

Although the KEG-R is no longer referenced in the Kentucky Administrative Regulations (KAR), the KEG provides a systematic method for ensuring that all Kentucky Administrative Regulations pertinent to eligibility have been met and that there is consistency across the state.

Whether or not the district uses the KEG-R document, the district must ensure that all eligibility requirements have been met.

Least Restrictive Environment

As outlined in 707 KAR 1:350, Section 1, the DLS Review Team verified documentation by reviewing documentation of Least Restrictive Environment (LRE) considerations by the ARC. In making the determination of the setting in which a student's IEP is to be implemented, the district must ensure:

- Special classes, separate schooling, or other removal from the regular education environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.
- A continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services
- A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Summary of KDE Team's Findings and District Compliance Status

The team reviewed current conference summaries and IEPs to ensure these regulatory requirements were met. Any concerns noted in this area are specified in the student-specific feedback below.

Table 1 on the following pages displays the results from the individual *Compliance Record Review Documents* used by the KDE Review Team to determine the status of the student records reviewed. See Appendix A at the end this report for a list of the items reviewed. The Director of Special Education has received the names of each student in order to match the code used in the table with the student record.

Table 1 – *Compliance Record Review Results*

(See Following 3 Pages)

Data Verification Report
LINCOLN COUNTY SCHOOLS
 Issued March 29, 2012

Entered	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Item	Student 1	Student 2	Student 3	Student 4	Student 5	Student 6	Student 7	Student 8	Student 9	Student 10
Disability	OHI	SLD	AUT	MMD	AUT	SLD	SLD	SL	EBD	MMD
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
53	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes
61	Yes	No	NA	NA	Yes	Yes	NA	NA	NA	NA
61a	Yes	No	NA	NA	NA	Yes	NA	NA	NA	NA
61a(1)	Yes	No			Yes	Yes				
61b	Yes	No	NA	NA	Yes	Yes	NA	NA	NA	NA
61b(1)	Yes	No			Yes	Yes				
61b(2)	Yes	No			Yes	Yes				
61b(3)	Yes	No			Yes	Yes				
61c	Yes	No	NA	NA	Yes	Yes	NA	NA	NA	NA
61c(1)	Yes	No			Yes	Yes				
61c(2)	Yes	No			Yes	Yes				
61c(3)	Yes	No			Yes	Yes				
62	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes
62(1)	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
62(2)	No	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes
62(3)	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
63	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
64	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	Yes	Yes	No	No	No	No	No	Yes	No	No
68	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
69a	NA	NA	NA	NA	NA	NA	NA	NA	No	NA
69a(1)									No	
69a(2)									No	
69a(3)									Yes	
69a(4)									Yes	
69b	NA	NA	NA	NA	NA	NA	NA	NA	Yes	NA
69b(1)									Yes	
69b(2)									Yes	
Eligibility	Yes	No	Yes	No	Yes	No	No	No	No	Yes
Eligibility Concerns by Item Number		SLD 1, SLD 2A, SLD 4 SLD 5, SLD 6, SLD 7 (abc), SLD 9, SLD 10 (abc, SLD 12A		MMD 3		SLD 6 SLD 10 OH 3 OH 6	SLD 1, SLD 2A, SLD 6 SLD 7abc, SLD 10abc	SL 2	OH 3, OH 6	
Items Found Non-Compliant	2	5	2	3	1	3	3	2	5	1
Items Found Compliant	9	6	8	7	10	8	7	8	7	9
Measured Items	11	11	10	10	11	11	10	10	12	10
Student Compliance Rate	81.82%	54.55%	80.00%	70.00%	90.91%	72.73%	70.00%	80.00%	58.33%	90.00%
Student Corrections Required?	No	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes

Data Verification Report
LINCOLN COUNTY SCHOOLS
 Issued March 29, 2012

Entered	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Item	Student 11	Student 12	Student 13	Student 14	Student 15	Student 16	Student 17	Student 18	Student 19	Student 20
Disability	MMD	MMD	EBD	SL	DD	DD	MD	SLD	OHI	MD
52	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
53	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
61	NA	NA	NA	Yes	No	Yes	NA	Yes	NA	NA
61a	NA	NA	NA	Yes	Yes	Yes	NA	Yes	NA	NA
61a(1)				Yes	Yes	Yes		Yes		
61b	NA	NA	NA	Yes	No	Yes	NA	Yes	NA	NA
61b(1)				Yes	No	Yes		Yes		
61b(2)				Yes	Yes	Yes		Yes		
61b(3)				Yes	Yes	Yes		Yes		
61c	NA	NA	NA	Yes	Yes	Yes	NA	Yes	NA	NA
61c(1)				Yes	Yes	Yes		Yes		
61c(2)				Yes	Yes	Yes		Yes		
61c(3)				Yes	Yes	Yes		Yes		
62	Yes	Yes	No	Yes	No	Yes	No	No	No	Yes
62(1)	Yes	Yes	No	Yes	No	Yes	No	No	No	Yes
62(2)	Yes	Yes	No	Yes	No	Yes	No	No	No	Yes
62(3)	Yes	Yes	No	Yes	Yes	Yes	No	No	No	Yes
63	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes
64	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
65	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
66	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
67	No	Yes	No	No	Yes	No	No	Yes	No	Yes
68	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes
69a	NA	NA	No	NA	NA	NA	NA	NA	No	No
69a(1)			Yes						No	Yes
69a(2)			No						No	No
69a(3)			No						No	Yes
69a(4)			No						Yes	Yes
69b	NA	NA	Yes	NA	NA	NA	NA	NA	Yes	Yes
69b(1)			Yes						Yes	Yes
69b(2)			Yes						Yes	Yes
Eligibility	Yes	Yes		Yes	Yes	Yes	No	No	Yes	Yes
Eligibility Concerns by Item Number							MD 1, MD 2, MD 5, OHI 1, OHI 3, OHI 6	SLD 1, SLD 2A, SLD 3, SLD 4, SLD 6, SLD 8, SLD 10		
Items Found Non-Compliant	1	0	6	1	1	2	3	4	4	1
Items Found Compliant	9	10	5	10	9	9	7	7	8	11
Measured Items	10	10	12	11	11	11	10	11	12	12
Student Compliance Rate	90.00%	100.00%	50.00%	90.91%	90.91%	81.82%	70.00%	63.64%	66.67%	91.67%
Student Corrections Required?	No	No	Yes	No	No	Yes	Yes	Yes	No	No

Data Verification Report
LINCOLN COUNTY SCHOOLS
 Issued March 29, 2012

Records:	20					Types of Records by Disability	
Item	NA	Non-Compliant	Compliant	Measured Items	Percent Compliant		
						Disability	Count
52	0	0	20	20	100.00%	AUT	2
53	0	4	16	20	80.00%	DB	0
61	12	2	6	8	75.00%	DD	2
61a	13	1	6	7	85.71%	EBD	2
61a(1)	0	1	7	8	87.50%	FMD	0
61b	12	2	6	8	75.00%	HI	0
61b(1)	0	2	6	8	75.00%	MD	2
61b(2)	0	1	7	8	87.50%	MMD	4
61b(3)	0	1	7	8	87.50%	OHI	2
61c	12	1	7	8	87.50%	OI	0
61c(1)	0	1	7	8	87.50%	SL	2
61c(2)	0	1	7	8	87.50%	SLD	4
61c(3)	0	1	7	8	87.50%	TBI	0
62	0	9	11	20	55.00%	VI	0
62(1)	0	6	14	20	70.00%	TOTAL	20
62(2)	0	9	11	20	55.00%		
62(3)	0	5	15	20	75.00%		
63	0	6	14	20	70.00%		
64	0	2	18	20	90.00%		
65	0	0	20	20	100.00%		
66	0	0	20	20	100.00%		
67	0	13	7	20	35.00%		
68	0	3	17	20	85.00%		
69a	16	4	0	4	0.00%		
69a(1)	0	2	2	4	50.00%		
69a(2)	0	4	0	4	0.00%		
69a(3)	0	2	2	4	50.00%		
69a(4)	0	1	3	4	75.00%		
69b	16	0	4	4	100.00%		
69b(1)	0	0	4	4	100.00%		
69b(2)	0	0	4	4	100.00%		
Eligibility	0	8	11	19	57.89%		
		Districtwide All Items Measured All Records					
		Compliant Records	Items Measured	Percent of Items Compliant			
		164	216	75.93%			
		Student Records 100% Compliant					
		Compliant Student Folders	Folders Reviewed	Percent of Records Compliant			
		1	20	5.00%			

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Table 2 – Student Specific Feedback

Student Specific Feedback	
Student 1	<p>Student file is in compliance with LRE and category specific eligibility requirements, but there are compliance issues in the area of evaluation.</p> <p>The March 14, 2012 Admissions and Release Committee (ARC) did not specify a suspected disability when the evaluation plan was completed. The integrated assessment reported OHI as a suspected disability. The ARC also did an eligibility determination for SLD, but found the student not to be eligible in that area.</p>
Student 2	<p>Student file is in compliance with LRE requirements, but there are compliance issues in the areas of evaluation and eligibility.</p> <p>Student was found eligible by district for specially designed instruction under the SLD category for Basic Reading.</p> <p>Student is concurrently being served in the English Learner (EL) program in the district, despite the fact that English is the language spoken in the home.</p> <p>Student is performing near grade level in basic reading and has testing accommodations for behavior strategies, prompting, cueing and extended time.</p> <p>Interventions listed as “ELL Plan that addresses reading and writing”. No start date or end date was given and the impact only stated “below grade level”.</p>
Student 3	<p>Student file is in compliance with categorical specific eligibility requirements, but does not meet compliance standards for LRE and evaluation.</p> <p>Reason given for removal from general education environment lacks specificity to document the actual reasons for removal from the general education environment when provided with supplementary aids and services.</p>
Student 4	<p>Student file does not meet eligibility requirements for LRE and evaluation.</p> <p>Reason given for removal from general education environment lacks specificity to document the actual reasons for removal from the general education environment when provided with supplementary aids and services.</p> <p>Student was formerly identified under the DD category for self-help/adaptive and social-emotional needs. No documentation was provided to indicate student had appropriate interventions for a suspected mental disability.</p> <p>The student does meet the specific criteria for MMD eligibility.</p>

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Student Specific Feedback	
Student 5	<p>Student file is in compliance with LRE and categorical specific eligibility requirements, but does not meet compliance standards evaluation.</p> <p>There is no evidence that behavioral observations were conducted as part of the evaluation process.</p>
Student 6	<p>Student file is not in compliance with LRE, evaluation or eligibility requirements.</p> <p>Reason given for removal from general education environment lacks specificity to document the actual reasons for removal from the general education environment when provided with supplementary aids and services.</p> <p>No written evidence was found that the ARC considered current assessments and observations or observations from teachers and related service providers. The social and developmental history form and the behavior observations included in the evaluation report were not dated. Many of the forms were not completely filled out, making it difficult to fully triangulate all data.</p> <p>Behavior observations did not match the math areas under which the student was found eligible.</p> <p>Student was determined eligible in the areas of math calculation and math reasoning only, but there were reading goals as well.</p> <p>Student eligibility form for OHI was also completed by the ARC and indicated the student was also eligible for services under that category for a chronic condition. There were no goals or services in the IEP related to the documented health condition, or how it impacted the student's educational performance. The conference summary stated student was no longer eligible for Section 504 plan since the child has an IEP (with math and reading goals only).</p> <p>There was no documented adverse effect of the disability that is "significantly and consistently" below the level of similar aged peers.</p> <p>The prompt for the student's disability category was left blank on the IEP, but the current conference summary lists the disability category as SLD.</p>

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Student Specific Feedback	
Student 7	<p>Student file meets eligibility requirements for LRE, but is not in compliance with all evaluation and eligibility requirements.</p> <p>No scientific research-based interventions were documented prior to determining the student eligible under the SLD category, but the conference summary inappropriately documented that this decision was based on receiving services as a DD student. No more data analysis was documented.</p> <p>Behavior observations were conducted but they do not match the areas of suspected disability.</p> <p>The ARC did not provide a triangulated statement of how the disability results in an adverse effect that is significantly and consistently below the level of similar age peers, but rather copied and pasted technical language from the evaluation report that would only be clearly understandable to someone who has been trained in reading and understanding assessments.</p>
Student 8	<p>Student file is in compliance with LRE, evaluation and eligibility requirements.</p>
Student 9	<p>Student file is not in compliance with LRE requirements.</p> <p>Student file is not in compliance with evaluation and eligibility requirements. No evidence was located to suggest an evaluation plan was developed by the ARC. The review of existing data did not include evaluations/information provided by the parents, and a minimum of two classroom behavior observations.</p> <p>There is insufficient documentation of adverse effect to show the child's performance is significantly and consistently below the level of similar age peers.</p>
Student 10	<p>The student file meets all compliance standards reviewed in the areas of LRE and eligibility. There is no indication that progress data related to measurable annual IEP goals was reviewed by the ARC.</p>
Student 11	<p>Student file is in compliance with LRE and categorical specific requirements.</p> <p>Student file meets compliance standards for evaluation with the exception that only one <u>classroom</u> behavioral observation was conducted. The second "Informal Assessment Observation" was completed as part of the testing condition and did not reflect the student's performance in the classroom as pertaining to the suspected disability.</p>
Student 12	<p>Student file meets eligibility requirements for LRE, evaluation and eligibility.</p>

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Student Specific Feedback	
Student 13	<p>Student file meets eligibility requirements for LRE. Evaluation and eligibility requirements are out of compliance.</p> <p>Student evaluation consisted largely of a physician's statement in 2008. Evaluation data are incomplete. No evidence exists to indicate discipline data was reviewed. Student was initially placed under the DD category then to OHI. Student was then changed to EBD with very limited documentation as to why.</p>
Student 14	<p>Student file meets LRE and eligibility criteria.</p> <p>All evaluation components are in compliance with the exception that only one classroom behavioral observation was completed. The Parent-Teacher Interview form provides very useful information, but it does not suffice for a second classroom behavior observation.</p>
Student 15	<p>Student file is in compliance with LRE requirements.</p> <p>Referral concerns included fine motor skills and behavior. There is no documentation that fine motor skills interventions were provided.</p> <p>The student otherwise meets eligibility criteria.</p>
Student 16	<p>Student file is in compliance with categorical eligibility requirements.</p> <p>The file is not in compliance with LRE requirements, since the provided statement is vague and does not explain why the student cannot be served in the general education environment.</p> <p>All evaluation components were present except that there was only one classroom behavior observation. The second observation describes the testing situation and is not related to the student's classroom performance.</p>
Student 17	<p>Student file is not in compliance with evaluation, eligibility or LRE requirements.</p> <p>The reviewers saw no evidence of an evaluation plan for the 2010 reevaluation. No evidence suggests that behavior observations were conducted or used by the ARC in determining eligibility.</p> <p>Student is not eligible to be served under the MD category, since no evidence was provided that the student needed services under the OHI category. The IEP as written can fully be implemented under just one disability category.</p>

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Student Specific Feedback	
Student 18	<p>Student file is not in compliance with evaluation, categorical eligibility or LRE requirements.</p> <p>LRE statement does not explain why student's needs cannot be met in the general education setting.</p> <p>There are several concerns with the evaluation and eligibility. No suspected disability was clearly articulated by the ARC, though several possible disabilities were discussed. The ARC discussion was limited and not clear. At the same ARC where eligibility was determined for SLD, the ARC agreed to conduct an addendum to evaluate for autism. This is in conflict with the requirement that the ARC must address all suspected areas of disability as part of the evaluation plan.</p> <p>In determining eligibility the ARC did not show evidence that data was triangulated, that all exclusionary factors were addressed, that interventions were appropriately documented and reviewed by the ARC and that the disability results in an adverse effect that is significantly and consistently below the level of similar age peers.</p>
Student 19	<p>Student file is in compliance with LRE requirements.</p> <p>The review of existing data used by the ARC in 2011 to determine continued eligibility is insufficiently complete in order to determine continued eligibility. No classroom observations were completed with little discussion of the review of existing data. No documentation was observed to indicate the parents provided information relative to the reevaluation process.</p>
Student 20	<p>Student file is in compliance with LRE and categorical eligibility requirements.</p> <p>The review of existing data did not include a minimum of two classroom behavior observations.</p>

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

The district is cited relative to student-specific violations related to placement decisions/LRE (707 KAR 1:350)

The district is cited relative to student-specific violations related to evaluation/reevaluation (707 KAR 1:300).

The district is cited relative to student-specific violations related to determination of eligibility (707 KAR 1:310).

Corrective Action Plan Requirements

707 KAR 1:380 specifies that, after an off-site or on-site review, KDE must issue a written report. Deficiencies (instances of noncompliance) specified in the report shall be the basis for the district to develop a Corrective Action Plan (CAP) for review and approval by KDE. The district has the opportunity to submit additional information or to verify or clarify issues related to the report (prior to the development of the CAP).

Each CAP must be monitored and enforced by KDE.

The district must submit its CAP to KDE no later than 30 business days after the district receives the report. Business day means Monday through Friday except for federal and state holidays as defined by 707 KAR 1:002 (6).

The CAP must include:

- A statement of the matter to be corrected
- The steps the LEA shall take to correct the problem and document compliance

DLS will send a CAP template to the Director of Special Education for development of the district's CAP.

Within 30 business days of receiving the CAP, KDE must notify the district of the status of the CAP. If KDE rejects the CAP, the district has up to 15 business days to submit a new CAP. A CAP, once approved by KDE must be monitored and is an official document requiring the district to meet the specified activities.

KDE will not initiate further sanctions during the time period specified in the CAP unless requested by the district. Any noncompliance found during monitoring must be corrected within one year. The U.S. Department of Education's Office of Special Education Programs (OSEP) specifies the one-year timeline runs from the date KDE notifies the district in writing of the noncompliance until KDE notifies the district in writing that the noncompliance has been corrected.

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Student Level and Systemic Noncompliance

KDE tracks findings of noncompliance and requires correction at the individual student level as required by OSEP. KDE also looks for compliance at a systemic level. For the purposes of KDE monitoring, *systemic* means findings of noncompliance where related issue(s) are occurring more than once. Examples might include:

- Noncompliance across disability categories where documentation of interventions and appropriate research-based instruction did not occur prior to referral.
- The use of only one classroom behavior observation (subsequent to September 7, 2010).

In cases where systemic noncompliance is noted, the district must not only correct the individual student files as necessary, but must also determine the cause(es) for the noncompliance and take steps in the CAP to correct these issues.

Table 3 below includes any student-specific issues that must be addressed through the CAP process. Table 4 includes any systemic issues that must also be addressed.

The district shall be required to submit corrective action plan status reports using the space provided in the electronic CAP template on a quarterly basis to the DLS Team Leader. It is strongly recommended that the district submit copies of student-specific corrections as they occur in order for the team leader to review and provide timely feedback to the district.

Data Verification Report
LINCOLN COUNTY SCHOOLS
 Issued March 29, 2012

Table 3

Required Student-Specific Corrective Action, if Applicable	
Student 1	No student-specific corrections required. See table below to address systemic issues related to evaluation.
Student 2	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings to initiate a full and complete reevaluation of student in order to ensure the student has been appropriately evaluated, and to re-determine eligibility.
Student 3	ARC must be convened to appropriately address LRE concerns for student. See table below to address systemic concerns regarding classroom behavior observations.
Student 4	ARC must be convened to appropriately address LRE concerns for student. See table below to address systemic concerns regarding the provision of scientific research-based interventions.
Student 5	No student-specific corrections required. See table below to address systemic concerns related to classroom behavior observations.
Student 6	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings to initiate a full and complete reevaluation of student in order to ensure the student has been appropriately evaluated, and to re-determine eligibility. If found eligible, an appropriate IEP must be developed and LRE properly documented.
Student 7	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings to initiate a full and complete reevaluation of student in order to ensure the student has been appropriately evaluated, and to re-determine eligibility.
Student 8	No student-specific corrections required.
Student 9	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings to review all existing data and determine any additional evaluation needs in order to determine eligibility appropriately for the student.
Student 10	The district shall submit a copy of all documents related to the next annual review to ensure progress data tied to <i>measurable</i> annual goals is reviewed by the ARC.
Student 11	No student-specific corrections required. See table below to address systemic concerns related to classroom behavior observations.
Student 12	No student-specific corrections required.
Student 13	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings, to determine evaluation needs, reevaluate the child, determine eligibility, and if found eligible to develop an appropriate IEP.
Student 14	No student-specific corrections required. See table below to address systemic concerns related to classroom behavior observations.

Data Verification Report
LINCOLN COUNTY SCHOOLS
 Issued March 29, 2012

Required Student-Specific Corrective Action, if Applicable	
Student 15	No student-specific corrections required. See table below to address systemic concerns related to evaluation.
Student 16	An ARC must be convened to appropriately address LRE concerns for student. See table below for systemic issues related to behavior observations.
Student 17	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings to initiate a full and complete reevaluation of student in order to ensure the student has been appropriately evaluated, and to re-determine eligibility. If found eligible, an appropriate IEP must be developed and LRE properly documented.
Student 18	An ARC meeting must be convened as soon as possible, but subsequent to CAP trainings to initiate a full and complete reevaluation of student in order to ensure the student has been appropriately evaluated, and to re-determine eligibility. If found eligible, an appropriate IEP must be developed and LRE properly documented.
Student 19	No student-specific corrections are required. See table below to address systemic concerns regarding classroom behavior observations and other evaluation requirements.
Student 20	No student-specific corrections are required. See table below to address systemic concerns regarding classroom behavior observations.

Table 4

Required Corrective Action Steps to Address Systemic Noncompliance, if Applicable
<p>Prior to the correction of individual student files, the district must obtain KDE-approved training for the Director of Special Education, District Special Education Consultants, ARC Chairpersons, evaluation personnel, and special education providers to address the following areas:</p> <ul style="list-style-type: none"> • district evaluation procedures • eligibility requirements with emphasis on SLD and OHI • LRE consideration requirements <p>The training(s) must be conducted and evidence provided to KDE no later than August 31, 2012.</p>
<p>The District must provide copies of the September 7, 2010 KDE eligibility policy letter to all certified staff in the district no later than May 30, 2012. This may be distributed via email.</p> <p>The district must seek the assistance of the Wilderness Trail Special Education Cooperative to provide a coop-facilitated viewing of the KDE eligibility policy webinar for all special education administrators, ARC chairpersons and special education providers. This activity may be completed in conjunction with the activity above.</p>

Data Verification Report
LINCOLN COUNTY SCHOOLS
Issued March 29, 2012

Required Corrective Action Steps to Address Systemic Noncompliance, if Applicable
<p>The district must develop and implement a system of random record reviews of no less than 10% of the special education enrollment.</p> <p>A <u>summary</u> of record reviews and corrections of noncompliance must be provided to KDE quarterly until the CAP has been deemed by KDE to be completed.</p> <p>On a quarterly basis, the district shall provide written documentation to KDE showing the progress being made by the district in correcting eligibility and LRE issues. This documentation shall include, but is not limited to, copies of ARC evaluation planning meeting summaries, evaluation reports, eligibility determination meeting documents, and revised IEPs.</p>